

MINUTES OF THE MEETING
NATURAL RESOURCES
MONTANA STATE SENATE

April 5, 1977

The thirty-fifth meeting of the Natural Resources Committee was called to order by Senator Elmer Flynn, Chairman, at 9:30 a. m. on the above date in Room 405 of the State Capitol Building.

ROLL CALL: Upon roll call all members were present. Mr. Larry Weinberg, Staff Attorney, and Debbie Schmidt, Researcher, from the Legislative Council, were also present.

RE-CONSIDERATION OF HB 197: An Act extending the time for acting on operating permit applications under the Hard-Rock Mine Reclamation Law.

Senator Roskie reported that this bill had previously been passed on at the March 31 meeting but was held up. Mr. Steve Williams, representing the Anaconda Company, and Mr. Neil Lynch, representing the Small Miners, wanted to review the amendments. Mr. Leo Berry, of the Department of State Lands, reviewed parts of Page 2, Section 1, Line 18.

RE-DISPOSITION OF HB 197: Motion was made by Senator Roskie that HB 197 BE FURTHER AMENDED on page 2, section 1, line 18 by deleting the word "may" following "department" and inserting the words "and the applicant shall". And also that it be FURTHER AMENDED by striking the words "with the applicant" following the word "negotiate". Motion was seconded by Senator Devine and motion carried unanimously. (See Attachment #1.)

Motion was then made by Senator Roskie and seconded by Senator Manley that HB 197 AS FURTHER AMENDED BE CONCURRED IN. Motion carried unanimously. (See attached Committee Report.)

RE-CONSIDERATION OF HB 762: An Act to establish necessary energy supply alert and emergency powers for the Governor.

Senator Roskie gave the report on the Sub-Committee on HB 762. Senator Jergeson was also a member of this committee. He stated that he and Senator Jergeson had worked together with the energy people and we hit on the Energy Council idea. Debbie Schmidt, Researcher, worked with us on this and we met three times. Saturday we reached conclusion except for two sections and Lieutenant Ted Schwinden wanted Mr. Robert Lohn of the Governor's Office to look it over on the weekend. It was suggested that it be a Committee Bill but this has some problems that if it is a committee bill we have to then go through the normal route. Probably the best way to go is to amend HB 762 as we have tried to do with

this draft. Draft of Sub-Committee amendments distributed to all Committee members. (See Attachment #2.)

Senator Jergeson said, we should probably go through the bill section by section to try to answer any questions. Also, we should probably ask Bob to explain it.

Senator Roskie said, that he would not hesitate to ask Mr. Schwinden or Mr. Lohn of Governor's Office to speak up when we get into the discussion.

Senator Jergeson said, that Section 1 is pretty much as in 762. Section 2 is the definitions. Section 3 sets up the Energy Policy Council. I believe we should have a mixed group.

After brief discussion, it was moved by Senator Dover and seconded by Senator Manley that the words "solid carbonaceous fuels" be taken out in Section 2, (2). Motion was seconded by Senator Manley. Upon roll call vote, 5 voting yes, and 3 voting no, the motion carried. (See Attached Roll Call.) (See Attached Standing Committee Report.)

Senator Jergeson said, I really believe throughout the whole process there ought to be some members from the leadership.

Motion was made by Senator Jergeson and seconded by Senator Dover that in Section 3 a new sub-section be inserted. Motion carried unanimously. (See Attached Standing Committee Report.)

Senator Roskie explained Section 4 which deals with developing this essentially in the public sector.

Senator Galt said, you use the words "advice of the council". They actually have nothing to say about what should be an emergency.

Senator Roskie stated, I feel to avoid constitutional arguments I would like to keep it for a two-year period in an advisory position.

Senator Flynn said, emergency power has to be vested in the Executive.

Mr. Bob Lohn, of the Governor's Office, made a few comments.

Motion was then made by Senator Jergeson and seconded by Senator Galt that the word "council" be changed to "committee" throughout the entire bill except for Section 6. Motion carried unanimously. (See attached standing committee report.)

Motion was then made by Senator Galt and seconded by Senator Roskie that the word "council" be also changed to "committee" in the definitions. Motion carried unanimously. (See attached standing committee report.)

Mr. Lohn said, we are not about to do something that does not have council concurrence. Any way we go, if we get into an emergency we will

have to call the Legislature in. As the bill is now structured I don't know when that point is but we will be calling the Legislature in either way.

Mr. Lester Loble III, representing Montana Dakota Utilities, presented some amendments to the committee that he would like considered. (See Attachment #3.)

After further discussion, motion was made by Senator Roskie and seconded by Senator Smith, that on page 12, section 18, following the word "violation" the following words are inserted ", following notice of violation". Motion carried unanimously.

Motion was then made by Senator Roskie and seconded by Senator Jergeson that the bill BE FURTHER AMENDED on Page 9 Sub (a) following the word "curtailments" by inserting the words "which are", and further following "energy" by adding the words "and which shall be". And be further amended following "systems" by adding the words "serving the geographic area affected by the energy emergency". Motion carried unanimously. (See Attached Standing Committee Report.)

Motion was then made by Senator Roskie that the bill be further amended on Page 10, Section 11, following the words "subdivision of the state" by inserting the words "including local governments with self-government power,". Motion was seconded by Senator Dover. Motion carried unanimously. (See Attached Standing Committee Report.)

Motion was then made by Senator Jergeson that the bill be amended in the title to reflect the title in the draft. Motion was seconded by Senator Galt. Motion carried 7 to 1 with Senator Manley voting no. (See Attached Standing Committee Report.)

Motion was then made by Senator Jergeson that all the language in page 1 through 9 be stricken and that the body of the bill as amended be inserted and adopted. Motion was seconded by Senator Dover. Motion carried 7 to 1 with Senator Manley voting no.

Motion was then made by Senator Jergeson and seconded by Senator Dover that House Bill 762 AS AMENDED BE CONCURRED IN. Motion carried 7 to 1 with Senator Manley voting no.

SENATE RESOLUTION NO. 8: Resolution of Senate and House requesting Carter Administration and Congress to fully fund Forest Fire Protection assistance:

DISPOSITION OF SR 8: Motion was made by Senator Roskie and seconded by Senator Galt that Senate Resolution No. 8 BE ADOPTED. Motion carried unanimously.


SENATOR ELMER FLYNN, CHAIRMAN

STANDING COMMITTEE REPORT

April 5

1977

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration SENATE RESOLUTION Bill No. 8

Respectfully report as follows: That SENATE RESOLUTION Bill No. 8,

BE ADOPTED

~~DOX PASSX~~

STANDING COMMITTEE REPORT

April 3

19 77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 197

Respectfully report as follows: That HOUSE Bill No. 197

third reading bill, be amended as follows:

1. Amend title, lines 7 and 8.

Following: "TERMS;"

Insert: "PROVIDING FOR NOTICE;"

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "50-1210"

Insert: "AND 50-1216"

2. Amend page 2, section 1, lines 1 through 9.

Following: "(1)"

Strike: line 1 through line 9 in their entirety.

~~DO PASS~~

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3. Amend page 2, section 1, line 10.

Following: line 9

Strike: "of a complete application."

Insert: "(a) Unless the time period is extended under the provisions of [subsection (1) (b) of this section], the board shall either issue an operating permit to the applicant or return any incomplete or inadequate application, along with a description of the deficiencies, within 60 days of receipt of the complete application and reclamation plan by the board and receipt of the permit fee. (b) (1)"

4. Amend page 2, section 1, line 13.

Following: "extend the"

Insert: "60-day"

Following: "time"

Strike: "periods"

Insert: "period, by not more than 180 days,"

5. Amend page 2, section 1, line 18.

Following: "Act."

Insert: "(ii) If the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department and the applicant shall negotiate to extend the 60-day period by not more than 365 days in order to permit reasonable review. (c)"

6. Amend page 4, section 1, line 4.

Following: line 3

Insert: "Section 2. Section 50-1216, R.C.M. 1947, is amended to read as follows:

"50-1216. Administrative remedies--notice--parties. (1) Upon receipt of an application for an operating permit, the department shall provide notice of the application by publication in a newspaper of general circulation in the area to be affected by the operation. The notice shall be published once a week for 3 successive weeks.

(2) All hearings and appeal procedures shall be in accordance with the Administrative Procedure Act. Any person whose interests may be adversely affected as a result of an action taken pursuant to this act may become a party to any proceeding held hereunder upon a showing that such person is capable of adequately representing the interests claimed.

(3) As used in this section, "person" means any individual, corporation, partnership, or other legal entity.

Renumber: subsequent section.

AND AS SO AMENDED, BE CONCURRED IN


SENATOR ELMER FLYNN, CHAIRMAN

STANDING COMMITTEE REPORT

April 6

19 77

MR. PRESIDENT

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 762

Respectfully report as follows: That HOUSE Bill No. 762

third reading bill, be amended as follows:

1. Amend title, line 5.

Following: "AND"

Insert: "ENERGY"

2. Amend title, following line 5.

Insert: "ESTABLISHING AN ENERGY POLICY COMMITTEE AND AN ENERGY EMERGENCY ADVISORY COUNCIL;"

3. Amend title, line 7.

Following: "PENALTIES;"

Insert: "PROVIDING A PERIOD OF EFFECTIVENESS;"

4. Amend the bill, pages 1 through 9.

Strike: all of the bill following the enacting clause

Insert: "Section 1. Legislative findings and intent. (1) The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there

DO PAGE

CONTINUED

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may be foreseen an emergency situation, and that without the ability to gather information, formulate plans, and institute appropriate emergency measures to reduce or allocate the usage of energy through a program of mandatory usage curtailment or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

(2) It is the intent of this act to:

(a) establish necessary planning, information gathering, energy emergency powers for the governor and define the conditions under which such powers are to be exercised;

(b) provide penalties for violations of this act.

Section 2. Definitions. As used in this act, the following definitions apply:

(1) "Energy facility" means a facility which produces, extracts, converts, transports, or stores energy.

(2) "Energy" means petroleum or other liquid fuels, natural or synthetic fuel gas, or electricity.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, cooperative, association, firm, public utility, political subdivision, municipal corporation, government agency, joint operating agency, or any other entity, public or private, however organized.

(4) "Committee" means the energy policy committee established in [Section 3].

(5) "Council" means the energy emergency advisory council established in [Section 6].

(6) "Distributor" means any person, private corporation, partnership, producer, individual proprietorship, public utility, joint operating agency, or cooperative which engages in or is authorized to engage in the activity of generating, producing, transmitting, or distributing energy in this state.

(7) "Energy emergency" means an existing or imminent domestic, regional or national shortage of energy which will result in a curtailment of essential services or production of essential goods, or the disruption of significant sectors of the economy unless action is taken to conserve or limit the use of the energy form involved, and the allocation of available energy supplies among users.

(8) "Energy supply alert" means a condition of energy supply on a national, regional, state or local basis which foreseeably will affect significantly the availability of essential energy supplies within the ensuing 90-day period unless action is taken under [Section 9] to reduce energy usage by state agencies and political subdivisions.

Section 3. Energy policy committee. (1) There is established a legislative energy policy committee which consists of eight members. Two members shall be appointed by the senate committee on committees from the membership of the senate with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house of representatives with no more than one member being appointed from the same political party. The remainder of the members shall consist of the president of the senate and the floor leader of the opposite party in the senate and

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the speaker and minority leader of the house of representatives. These four leadership members may each designate an alternate to serve for them, except during periods of declared emergency under [Section 10].

(2) The committee shall organize no later than 10 days following the close of the 1977 legislative session by electing one of its members to serve as chairman and one to serve as vice chairman. Five members of the committee shall constitute a quorum.

(3) Members of the committee shall receive per diem and expenses for each day devoted to committee business in the same amount as for service on interim legislative committees.

(4) Vacancies in the membership of the committee shall be filled in the manner of original appointment. A vacancy shall occur when a member ceases to be a member of the legislature.

(5) The committee shall meet at its discretion.

(6) The committee shall review, propose, and recommend legislation relating to the development and use of energy in Montana.

Section 4. Supply of vital public services during an energy supply alert and energy emergency. The governor shall, with the advice of the committee, in developing provisions for the allocation, conservation, and consumption of energy, give due consideration to supplying vital public services such as essential governmental operations, health and safety functions, emergency services, public mass transportation systems, food production and processing facilities, and energy supply facilities during conditions of an energy supply alert or energy emergency. In developing any energy allocation programs, provisions shall be made for the equitable distribution of energy among the geographic areas of the state which are experiencing an energy shortage.

Section 5. Information obtainable by governor. (1) The governor may obtain information from energy resource producers, suppliers, public agencies, and consumers and from political subdivisions in this state necessary for him, with advice of the committee, to determine the need for energy supply alert and emergency declarations. Such information may include but is not limited to:

- (a) sales volumes by customer classifications;
- (b) forecasts of energy resource requirements for the particular type of energy involved for a period not to exceed 2 years; and
- (c) inventory of energy resources and reserves available for use in meeting a shortage in a particular energy source.

(2) In obtaining information under subsection (1) of this section during a state of energy emergency the governor may subpoena witnesses, material, and relevant books, papers, accounts, records, and memoranda; administer oaths; and cause the depositions of persons residing within or without Montana to be taken in the manner prescribed for depositions in civil actions in district courts, to obtain information relevant to energy resources that are the subject of the proclaimed emergency of associated disaster.

(3) In obtaining information under this section, the governor shall:

- (a) seek to avoid eliciting information already furnished by a person or political subdivision in this state to a federal, state, or

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local regulatory authority that is available for his study; and

(b) cause reporting procedures, including forms, to conform to existing requirements of federal, state, and local regulatory authorities.

(4) Nothing in this act shall require the disclosure by a distributor of confidential information, trade secrets, or other facts of a proprietary nature.

(5) The governor shall forward to the committee such information collected under this section as the committee may request and shall advise the committee of the progress of the information gathering process.

Section 6. Energy emergency advisory council. (1) There is established an energy emergency advisory council which consists of no more than twelve members appointed by the governor. The members shall include representatives of distributors and consumers of energy with equal representation from each interest.

(2) The energy emergency advisory council shall provide information and advice to the governor throughout the energy emergency process described in [sections 4 through 10 of this act].

(3) The governor shall solicit the advice of the energy emergency advisory council throughout the information gathering, planning, and administrative process.

(4) The energy emergency advisory council shall operate under the provisions of Title 82A, Chapter 1.

Section 7. Submission and approval of curtailment plans.

(1) The governor may at any time require a distributor of an energy resource to prepare for his approval a plan for the curtailment of the distribution of that resource in the event of a state of energy emergency. Plans shall be submitted in such form and within such limits as the governor shall specify, and shall recognize the obligations and duties which may be placed upon distributors subject to this act by other jurisdictions, both state and federal.

(2) Approval of plans for curtailment shall be based on the following factors:

(a) the consistency of the plan with the public health, safety, and welfare;

(b) the technical feasibility of implementation of the plan;

(c) the effectiveness with which the plan minimizes the impact of any curtailment;

(d) the needs of commercial, agricultural, retail, professional, and service establishments whose normal function is to supply goods or services, or both, of an essential nature, including but not limited to food, lodging, fuel, and medical care facilities;

(e) the regional agreements or contracts of the distributors; and

(f) the advice of the committee.

Section 8. In determining whether to declare an energy supply alert or energy emergency, the governor shall consider:

(1) availability of regional and national energy resources;

(2) local, state, regional, and national energy needs and shortages;

(3) availability of short-term alternative supplies on a local, state, regional, and national basis;

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(4) the economic effect of such declaration and the implementation of any curtailment or conservation plans; and

(5) any other relevant factors.

Section 9. Energy supply alert. (1) The governor may upon finding that an energy alert condition exists, declare the same for a period of not longer than 90 days, setting forth the reasons therefor. Such declaration may be renewed for 90-day periods thereafter upon a finding that the energy alert condition will continue for such further period.

(2) Whenever the governor has declared an energy supply alert, he may by executive order direct actions:

(a) reducing energy resource usage by state agencies and political subdivisions;

(b) promoting conservation, prevention of waste and salvage of energy resources and the materials, services, and facilities derived therefrom or dependent thereon, by state agencies and political subdivisions.

Section 10. Energy emergency -- powers of governor. In addition to his existing powers and duties, the governor shall have the following duties and special energy emergency powers subject to the definitions and limitations in this act:

(1) The governor with the advice of the committee may, upon finding that a situation exists which threatens to seriously disrupt or diminish energy supplies to the extent that life, health, or property may be jeopardized, declare a condition or state of energy emergency, at which time all of the general and specific emergency powers further enumerated in this section shall become effective.

(2) The condition of energy emergency terminates after 14 consecutive days unless extended by a declaration of the legislature by joint resolution of a continuing condition of energy emergency of a duration to be established by the legislature.

(3) The conditions of an energy emergency alternatively cease to exist upon a declaration to that effect by either of the following:

(a) the governor; or

(b) the legislature, by joint resolution if in regular or special session.

(4) In a declared state of energy emergency, the governor may, with the advice of the committee:

(a) implement such programs, controls, standards, priorities, and quotas for the production, allocation, conservation, and consumption of energy, including plans for the curtailment of energy; provided that in so doing, the governor shall impose controls, quotas, or curtailments according to the nature of the end use to be made of the energy consistent with existing transmission and distribution systems serving the geographic area affected by the energy emergency.

(b) suspend and modify existing pollution control standards and requirements or any other standards or requirements affecting or affected by the use of energy, including those relating to air or water quality control; and

(c) establish and implement regional programs and agreements for the purposes of coordinating the energy programs and actions of the state with

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those of the federal government and of other states, localities, and other persons.

(5) Nothing in this act means that any program, control, standard, priority quota, or other policy created under the authority of the emergency powers authorized by this act has any continuing legal effect after the cessation of a declared state of energy emergency.

(6) If any provision of this act is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, this act shall govern and control and such other law or rule promulgated thereunder is superseded for the purposes of this act.

(7) Because of the emergency nature of this act, all actions authorized or required hereunder or taken pursuant to any order issued by the governor are exempted from all requirements and provisions of the Montana Environmental Policy Act of 1971, including but not limited to the requirement for environmental impact statements.

(8) Except as provided in this section, nothing in this act exempts a person from compliance with the provisions of any other law, rule, or directive unless specifically ordered by the governor, or unless impossibility of compliance is a direct result of an order of the governor.

Section 11. Obligations of state and local executives. To protect the public welfare during conditions of energy alerts or emergencies, the chief executive of each political subdivision of the state, including local governments with self-government power, and each state agency shall carry out in his jurisdiction such energy supply alert or energy emergency measures as may be ordered by the governor.

Section 12. Coordination with federal provisions. In order to attain uniformity, as far as is practicable throughout the country in measures taken to aid in energy crisis management, all action taken under this act and all orders and rules made pursuant to it shall be taken or made with due consideration for and consistent when practicable with the orders, rules, actions, recommendations, and requests of federal authorities.

Section 13. Immediate compliance. Notwithstanding any provision of law or contract to the contrary, all persons who are affected by an order issued or action taken pursuant to this act shall comply immediately.

Section 14. Orders to distributors. The governor may order any distributor to take such action on his behalf as may be required to implement orders issued pursuant to [section 10] and no distributor or person is liable for actions taken in accordance with such order.

Section 15. Liability. No distributor or person is liable for damages to persons or property resulting from action taken in accordance with orders or regulations issued pursuant to this act or actions taken pursuant to orders, rules, actions, recommendations, and requests of federal authorities.

Section 16. Rules and executive orders. Notwithstanding the exemption from the provisions of the Montana Administrative Procedure Act granted to the governor in Title 82, chapter 42, R.C.M. 1947, the governor may adopt rules necessary to implement this act and cause their adoption and publication to be completed in the same manner as the adoption and publication of agency rules. In addition, executive orders of the governor implementing provisions of this act shall be published in the Montana Administrative Register upon request of the governor.

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Section 17. Civil defense laws supplemented. The powers vested in the governor under this act are in addition to and not in lieu of emergency powers vested in him under Title 77, chapter 23, or any other law of Montana.

Section 18. Penalties. A person convicted of violating this act is guilty of a misdemeanor. Each day of violation, after notice of violation, shall constitute a separate offense.

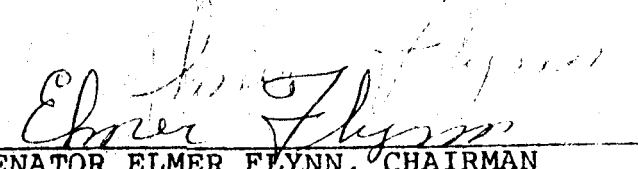
Section 19. Section 79-2501, R.C.M. 1947, is amended to read as follows:

"79-2501. Governor may authorize expenditure in case of emergency or disaster. The governor may authorize the incurring of liabilities and expenses to be paid as other claims against the state from the general fund, in the amount necessary, when an emergency or disaster justifies the expenditure and is declared by the governor, to meet contingencies and emergencies arising from hostile attacks, riots or insurrections, epidemics or disease, plagues of insects, fires, floods, energy emergencies or other acts of God resulting in damage or disaster to the works, building or property of the state or any political subdivision thereof, or which menace the health, welfare, safety, lives or property of any considerable number of persons in any county or community of the state, upon demonstration by the political jurisdiction that such political jurisdiction has exhausted all available emergency levies, that the emergency is beyond the financial capability of the political jurisdiction to respond, and for which no appropriation is available in sufficient amount to meet the emergency or disaster, or that federal funds available for such emergency or disaster require either matching state funds or specific expenditures prior to eligibility for assistance under federal laws."

Section 19. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 20. Period of effectiveness. This act is effective on passage and approval and shall remain in effect until March 1, 1979.

AND AS SO AMENDED, BE CONCURRED IN


SENATOR ELMER FLYNN, CHAIRMAN

SENATE COMMITTEE NATURAL RESOURCES

Date 4-5-77 Bill No. 762 Time 10:00

NAME	YES	NO
Flynn, Elmer, Chairman		✓
Roskie, George, Vice-Chairman	✓	
Devine, John		✓
Dover, Harold	✓	
Galt, Jack	✓	
Jergeson, Greg		✓
Manley, John	✓	
Smith, Ed	✓	

Beverly Braut
Secretary

Elmer Flynn
Chairman

Motion: Motion was made by Senator Dover and seconded by Senator Manley that the words "solid carbonaceous fuels" be taken out of 762 in Section 2 (2). 5 voting yes and 3 voting no, the motion carried.

(include enough information on motion--put with yellow copy of committee report.)

HB 197

PROPOSED AMENDMENTS

1. Amend page 2, section 1, lines 1 through 9
Following: "(1)"
Strike: line 1 through line 9 in their entirety.
2. Amend page 2, section 1, line 10
Following: line 9
Strike: "of a complete application."
Insert: "(a) Unless the time period is extended under the provisions of [subsection (1)(b) of this section], the board shall either issue an operating permit to the applicant or return any incomplete or inadequate application, along with a description of the deficiencies, within 60 days of receipt of the complete application and reclamation plan by the board and receipt of the permit fee. (b)(i)"
3. Amend page 2, section 1, line 13
Following: "extend the"
Insert: "60-day"
Following: "time"
Strike: "periods"
Insert: "period, by not more than 180 days,"
4. Amend page 2, section 1, line 18
Following: "Act."
Insert: "(ii) If the department determines that additional time is needed to review the application and reclamation plan for a major operation, the department ~~may~~ negotiate with the applicant to extend the 60-day period by not more than 365 days in order to permit reasonable review. (c)"

and the applicant shall

DRAFT ENERGY EMERGENCY BILL

____ BILL NO. ____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: " AN ACT TO ESTABLISH NECESSARY ENERGY SUPPLY ALERT AND EMERGENCY ENERGY POWERS FOR THE GOVERNOR; ESTABLISHING AN ENERGY POLICY COUNCIL AND AN ENERGY EMERGENCY ADVISORY GROUP; DEFINING CONDITIONS UNDER WHICH ENERGY EMERGENCY POWERS MAY BE EXERCISED; PROVIDING PENALTIES; PROVIDING A PERIOD OF EFFECTIVENESS; AND AMENDING SECTION 79-2501, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative findings and intent. (1) The legislature finds that energy in various forms is increasingly subject to possible shortages and supply disruptions, to the point that there may be foreseen an emergency situation, and that without the ability to gather information, formulate plans, and institute appropriate emergency measures to reduce or allocate the usage of energy through a program of mandatory usage curtailment or allocation, a severe impact on the health, safety, and general welfare of our state's citizens may occur. The prevention or mitigation of the effects of such energy shortages or disruptions is necessary for preservation of the public health and welfare of the citizens of this state.

(2) It is the intent of this act to:

(a) establish necessary planning, information gathering,

Suggest following changes to
Emergency Energy Powers Act:

p. 6, ~~§~~ § 6(4) change:
"Title 82A, chapter 1"
to "section 82A-110"

p. 9. § 10(4)(a) add to
end of paragraph:
"and only in those geographical
areas which are experiencing
a shortage of energy."

p. 12. § 18 Delete:
"Each day of violation
shall constitute a separate
offense."

Lester N. Lott, Jr.
MDU 4/5/77